

## **DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT**

Forestwide Aquatic Restoration

U.S. Forest Service

Umatilla National Forest

Asotin, Columbia, Garfield and Walla Walla counties, Washington,  
Baker, Grant, Morrow, Umatilla, Union, Wallowa and Wheeler counties,  
Oregon

Based upon my review of the Forestwide Aquatic Restoration Environmental Assessment (EA), I have decided to implement Alternative 2, the proposed action, which authorizes aquatic restoration projects within categories identified in the Aquatic Riparian Biological Assessments and Biological Opinions (ARBA II and ARBO II). These categories include:

- Fish Passage Restoration (Stream Simulation Culvert and Bridge Projects; Headcut and Grade Stabilization; Fish Ladders; Irrigation Diversion Replacement/Relocation and Screen Installation/Replacement).
- Large Wood (LW), Boulder, and Gravel Placement (LW and Boulder Projects; Engineered Logjams; Porous Boulder Weirs and Vanes, Gravel Augmentation; Tree Removal for LW Projects).
- Dam, Tide gate, and Legacy Structure Removal.
- Channel Reconstruction/Relocation.
- Off- and Side-Channel Habitat Restoration.
- Streambank Restoration.
- Set-back or Removal of Existing Berms, Dikes, and Levees.
- Reduction/Relocation of Recreation Impacts (relocation of roads, trails and dispersed camping sites from sensitive areas)
- Livestock Fencing, Stream Crossings and Off-Channel Livestock Watering.
- Piling and other Structure Removal.
- In-channel Nutrient Enhancement
- Road and Trail Erosion Control
- Juniper Removal (in areas of encroachment)
- Riparian Vegetation Treatment (controlled burning).
- Riparian Vegetative Planting.
- Bull Trout Protection.
- Beaver Habitat Restoration.
- Fisheries, Hydrology, Geomorphology Wildlife, Botany, and Cultural Surveys in Support of Aquatic Restoration.

## DECISION RATIONALE

The purpose of this project is to maintain or enhance watershed health and promote species recovery and diversity as required by the Land and Resource Management Plan for the Umatilla National Forest (1990), as amended by PACFISH (1995).

There is a need to continue restoring the key ecological processes and functions responsible for the creation and maintenance of self-sustaining aquatic and riparian ecosystems. There is also a need to increase the pace and scale of aquatic ecosystem restoration by providing a more efficient process for implementation of projects that would aid in the recovery of threatened and sensitive fish species, their associated habitats, watershed health, and water quality.

- The no action alternative could maintain or enhance watershed health, but analysis would continue to occur on an individual project basis.
- The proposed action best meets the need of increasing the pace and scale of aquatic ecosystem restoration by providing a streamlined process.
- The requirement of site-specific design criteria provides a consistent methodology to design, implement, monitor and document watershed and aquatic restoration activities.
- Completion of the NEPA Compliance and Implementation checklist will be required to ensure required surveys are completed, avoid conflicts with other program areas, and determine consistency with the current land use management plan. The checklist will also be made publically available.
- The Forestwide Aquatic EA documents the environmental analysis and conclusions upon which this decision is based.

## PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Umatilla National Forest Schedule of Proposed Actions and updated periodically during the analysis. People were invited to review and comment on the proposal through mailings, emails, and a legal notice published in the East Oregonian. Three comment letters were received during scoping and seven comment letters were received during the comment period on the draft EA. Comment letters are available in the project record and a summary of comments on the draft EA is available in Appendix G of the final EA.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with applicable Laws, Regulations, Policies and Other Authorities. The following is not an all-inclusive listing, but summarizes conformance with the laws and regulations most relevant to this decision. More information is available in Section 3.12 of the Environmental Assessment.

*National Environmental Policy Act*

The National Environmental Policy Act (NEPA) requires federal agencies to consider and disclose the effects of proposed actions that significantly affect the quality of the human environment. This EA analyses two alternatives and displays the effects in conformance with the Act (40 CFR 1500 to 1508 and FSH 1909.15). The Finding of No Significant Impact is below.

#### *National Forest Management Act*

This Project is consistent with the standards and guidelines, goals and objectives, and desired future conditions of the 1990 Umatilla Land and Resource Management Plan as amended, required by the National Forest Management Act.

#### *Endangered Species Act*

This decision is compliant with the legal requirements set forth under section 7 of the Endangered Species Act (16 U.S.C. 1536 (c)). The final EA discloses potential impacts to federally listed, proposed and candidate species as described below. No proposed or federally-listed botanical or invertebrate species exist or have been identified within the Aquatic Restoration project area.

The Aquatic Restoration EA tiers to two Biological Opinions: the April 25, 2013 National Marine Fisheries Service (NMFS) document “Endangered Species Act – Section 7 Programmatic Consultation Conference and Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for Reinitiation of Aquatic Restoration Activities in States of Oregon and Washington (USDC NMFS 2013); and the July 1, 2013 US Fish and Wildlife Service (FWS) document “Endangered Species Act – Section 7 Consultation Programmatic Biological Opinion for Aquatic Restoration Activities in the States of Oregon, Washington and portions of California, Idaho and Nevada (USDI FWS 2013)”. Effects to species implementing the project activities listed on the ESA on the Umatilla NF are included in these Biological Opinions.

The Aquatic Restoration EA was discussed August 14, 2018 at a Umatilla interagency Level 1 Section 7 consultation meeting (notes on file, Pendleton OR). As described in Appendix D, local Section 7 consultation is in compliance with two BOs (listed above) and will meet requirements for Section 7 consultation.

#### *National Historic Preservation Act*

In 2004 the Forest Service signed a programmatic agreement with the Oregon State Historic Preservation Office (SHPO) which allows for streamlined compliance with the National Historic Preservation Act for numerous undertaking with limited potential to negatively affect cultural resources (Oregon SHPO 2004). The the majority of the aquatics restoration project work covered by this analysis falls under the criteria of undertakings which can receive National Historic Preservation Act clearance using the streamlined procedures.

Section 3.10.1 displays the approach to National Historic Preservation Act compliance which would be used for each of the project categories listed in chapter 2 and fully described in the appendix A.

By following the terms of the 2004 Programmatic Agreement with the Oregon State Historic Preservation Office, cultural resources would be identified and evaluated before any ground disturbing activities which could potentially negatively impact these resources are authorized.

Cultural resource sites would either be avoided or any potential impacts would be mitigated following processes developed in consultation with the Oregon State Historic Preservation Office.

#### *Irreversible and Irretrievable Commitments of Resources*

Irreversible commitments of resources are those that cannot be regained, such as the extinction of a species or the removal of mined ore. Irretrievable commitments are those that are lost for a period of time such as the temporary loss of timber productivity in forested areas that are kept clear for use as a power line rights of-way or road.

The projects within the aquatics restoration are not considered irreversible or irretrievable commitments of any resource.

## **FINDING OF NO SIGNIFICANT IMPACT**

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

### **Context**

For the proposed action and alternative the context of the environmental effects is based on the environmental analysis in this EA. Restoration activities would occur within the administrative boundaries of the Umatilla National Forest and adjacent lands. Action areas are located in fish and non-fish bearing streams, riparian areas and uplands that have a direct link to restoration of aquatic habitat and watershed function.

Forty percent of the subwatersheds across the Umatilla have been identified as impaired or functioning at risk. Impaired or functioning at risk subwatersheds receive ratings based on reduced conditions for parameters including water quality, aquatic habitat, riparian vegetation, and roads and trails indicators.

The proposed action would include only activities within project categories identified in the Aquatic Riparian Biological Assessments and Biological Opinions (ARBA II and ARBO II). Aquatic restoration activities would be accomplished through the use of project specific design criteria using a consistent methodology to design, implement, monitor, and document watershed and aquatic restoration activities. Restoration activities within these categories have been identified for their known and limited impacts on ESA listed aquatic species.

### **Intensity**

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this

project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

**1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

The Umatilla Aquatics Restoration Project was designed around the programmatic Biological Assessment and Biological Opinions with the Fish and Wildlife Service and National Marine Fisheries Service (ARBA II and ARBO II). The analysis shows that the long term beneficial effects of these activities will include short term negative effects and also demonstrates that these short term effects are expected to be minor (See Sections 3.2 Aquatic Resources, 3.3 Wildlife and 3.4 Botany) No significant impacts are expected.

Section 303(d) of the 1972 Federal Clean Water Act requires the identification of water bodies that violate water quality standards and thereby fail to fully protect beneficial uses. The law requires that states develop total maximum daily loads (TMDLs) for these waters that address the sources of pollution and identify actions needed to improve water quality. The Clean Water Act requires that actions to improve water quality be identified on streams with impaired water quality. Implementation of the activities identified in the project would have long term benefits and short term discountable impacts (Section 3.2 Aquatic Resources) to both sediment loads and water temperatures that would not be significant.

Pre-implementation surveys would occur before activities begin in areas where sensitive botanical species or heritage resources may occur (Sections 3.4 Botany and Section 3.10). This process would ensure that these important resources are considered and impacts would be minimized.

Overall impacts to recreation would be short term as a result of closed roads, trails, waterways, or other areas where individuals recreate. Not all areas would be closed at any given time and forest visitors would have recreational opportunities in other locations throughout the forest. Smoke and noise from prescribed burning and vegetation treatments would also be disruptive to forest visitors. These disturbances would be very local in impacts and for short duration (Section 3.11 Recreation).

Cattle allotment and special use permittees would also be notified if activities were implemented within their area of use. Project design criteria, including notification, would provide an opportunity for input before the activity occurred. Allotment permittees meet with the Forest prior to grazing season and adjustments for various activities or loss of forage availability are coordinated at that time. This is standard operating procedure and should not result in any significant issues for the permittee or the resource (Section 3.9 Range).

Impacts from restoration activities in this action may have temporary negative impacts as some projects will require temporary disturbance of riparian habitats, including the use of some heavy machinery. As described in Section 3.2 Aquatic Resources, and based on past implementation of similar projects, it is not expected these temporary effects will compromise the long term benefit of restoration. Overall, projects developed under this action will be beneficial and contribute to

improving the healthy functioning of the riparian system on the Umatilla National Forest. These impacts are not expected to be cumulatively significant, as impacts from past, present and future foreseeable actions as well as natural seasonal fluctuations and climate change will continue to impact riparian systems.

**2. The degree to which the proposed action affects public health or safety.**

The State of Oregon and Washington Smoke Management Plans ensures compliance with the Clean Air Act (Section 3.8 Air Resource). The project incorporates project design criteria to ensure compliance with the Clean Water Act (Appendices A & B) and overall effect of the project will improve water quality (Section 3.2 Aquatic Resources). Notification of activities will be implemented as described in project design criteria to ensure safety of forest users in activity areas.

**3. Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

Heritage resource analysis found that the project would have no significant impact because most work conducted is limited and would be reviewed on a case by case basis under programmatic agreement with the state historical preservation office (Section 3.10 Heritage Resources). The analysis also considered the impacts to wilderness areas and Wild and Scenic Rivers within the project area and determined that existing negative effects would be reduced through project activities (Section 3.11 Recreation). Culturally significant plants were determined to see a minor beneficial impact from project activities (Section 3.4 Botany).

**4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The effects of this action are not considered to be controversial. The project categories identified in the Aquatic Riparian Biological Assessments and Biological Opinions (ARBA II and ARBO II) were identified for their beneficial impacts to riparian systems, and these documents address their impacts to listed species. Identified project categories are common techniques used in aquatic restoration. The proposed action was developed under the ARBA II and ARBO II, which in turn was developed under an earlier programmatic in 2008. For the past decade aquatic restoration projects using the programmatic approach of ARBA II and ARBO II across Forest Service Region Six have been successfully implemented with no known controversy.

The project falls within the scope of the analysis for the Umatilla Land and Resource Management Plan (1990). During correspondence with the public, other federal agencies, tribes, local governments, and the interdisciplinary team, there was no information presented that indicates substantial effects of the human environment or that would raise to the level of scientifically controversial as defined by the Council of Environmental Quality.

**5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The activities described within this project have been implemented on the forest in the past using various NEPA decisions. Implementation and expected effects are based on extensive experience with similar actions. The activities proposed are well established land management practices and the risks are well known and understood. The activities of this project fall within those categories



where actions do not individually or cumulatively have a significant effect on the human environment and would be considered for categorical exclusion from documentation on an individual basis. Based on the Agency's experience and knowledge and the analysis there are no significant effects to the resources.

**6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

This project, while allowing for future actions that fit within the specific project categories, will not lead to future actions other than restoration activities outlined in Appendix A. These projects are not unique and have been implemented in the past. The decision will not set precedent for any future actions.

**7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

The analysis considered this action along with past and reasonably foreseeable future actions. Aquatic restoration is accomplished through established programs on the Umatilla NF with a generally predictable budget and scope of work, and that level of funding is expected to continue in a similar manner. Actions from this project are generally small in scale, scattered across a large landscape, and over an extended time period. Each issue or analysis resource considered and documented cumulative effects of a combination of this project's activities and those other activities occurring across the forest that would overlap in space and time. Various analyses did determine cumulative effects but no resource determined cumulative effects that would be significant.

**8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The proposed action complies with the National Historic Preservation Act by following the terms of the 2004 Programmatic Agreement with Oregon State Preservation Office. Cultural resources would be identified and evaluated before any ground disturbing activities are authorized (Section 3.10 Heritage Resources).

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

Biological evaluations were completed for aquatic, terrestrial and botanical species. (Sections 3.2 Aquatic Resources, 3.3 Wildlife & 3.4 Botany). All ESA listed species in Forest Service Region 6 were considered in ARBA II and ARBO II. Since inception of aquatic restoration programmatic in Region 6 in 2008 (ARBA I and ARBO I) the Forest Service has met all requirements for Section 7 consultation to implement individual restoration actions. This project will be consistent with the approach of the Region 6 ARBA II and ARBO II and continue to follow required Section 7 consultation requirements (see section 3.2, 3.3 and 3.4). Short term effects of actions may be adverse, all actions are designed for long term positive restoration benefits, and all actions are within the scope of ARBA II and ARBO II and meet ESA Section 7 consultation requirements.

### **10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

The project was designed to comply with federal, state and local laws and lead to improvements in environmental quality. This project complies with the Umatilla Land and Resource Management Plan and associated standards related to law, regulation, and policy.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

## **OBJECTIONS**

This proposed decision is subject to predecisional administrative review pursuant to 36 CFR 218, Subparts A and B, also known as the “objection process.” Objections will only be accepted from those who submitted project-specific written comments during scoping or other designated comment period. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within add 45 days following the publication of the legal notice in the East Oregonian, the paper of record. The date of this legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector’s responsibility to ensure evidence of timely receipt (36 CFR 218.9).

The preferred objection submission platform is via our webpage. Submit electronic objections on the Aquatic Restoration Project webpage: <https://www.fs.usda.gov/project/?project=47428> by selecting the “Comment/Object on Project” link in the “Get Connected” group at the right hand side of the project webpage. Put the project name in the subject line; attachments may be in the following formats: plain text (.txt), rich text format (.rtf), Word (.doc, .docx), or portable document format (.pdf). Hardcopy objections can be submitted by:

Mail: Regional Forester, Objection Reviewing Officer, Pacific Northwest Region, USDA Forest Service, Attn: 1570 Appeals and Objections, PO Box 3623, Portland, OR 97208-3623,

Hand delivery: The Regional Forester, Pacific Northwest Regional Office, 13th Floor, Attn: 1570 Appeals and Objections, 1220 SW Third Avenue, Portland, OR 97204. Hand deliveries can occur between 8:00 AM and 4:30 PM, Monday through Friday except legal holidays

Fax: Regional Forester, Attn: 1570 Appeals and Objections at 503-808-2339.

Objections must include (36 CFR 218.8(d)): 1) name, address and telephone; 2) signature or other verification of authorship; 3) identify a single lead objector when applicable; 4) project name, Responsible Official name and title, and name of affected National Forest(s) and/or Ranger District(s); 5) description of the specific issues related to the proposed project and suggested remedies to resolve, your objections; and, 6) description of the connection between your objections and your prior comments. Incorporate documents by reference only as provided for at 36 CFR 218.8(b).



## CONTACT

For additional information concerning this decision, contact: Katherine Richardson, Forest Environmental Coordinator, 541-278-3869, [katherinerichardson@fs.fed.us](mailto:katherinerichardson@fs.fed.us)

## IMPLEMENTATION DATE

Projects under this decision may begin implementation beginning March 1, 2019.

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Eric Watrud

Date

Forest Supervisor

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